

# 5 Factors Noted in Angela Davis Innocent Verdict

**From Moment It Approved  
Jury, Defense Was All  
but Certain of Acquittal**

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SAN JOSE—On March 17, attorney Leo Branton Jr. rose to tell the court: "Your honor, the defense accepts the jury as presently constituted."

At that moment, her lawyers were all but certain the jurors they had selected would not find Angela Davis guilty of murder, kidnaping and conspiracy.

Late Sunday night, after acquitting the defendant on all three counts, members of the jury indicated they had never seriously considered bringing in a guilty verdict.

Some of their actions spoke louder than words.

## **Juror Salutes Crowd**

One juror, a 39-year-old maintenance electrician from Montana, waved a clenched-fist salute to a jubilant crowd of Miss Davis' supporters outside the courtroom. A woman juror, whom the defense thought might favor the prosecution, danced happily with a defense lawyer at a victory celebration that night. And at another defense party, held privately, 10 of the 12 jurors exchanged champagne toasts with the 28-year-old Communist and black militant. Attorneys and other courtroom observers believe Miss Davis' case was won because of the following factors:

### **1—Jury selection.**

The defense painstakingly investigated prospective jurors in the case, seeking to find at least unprejudiced, if not sympathetic, panel members. Psychologists came to the courtroom to study mannerisms and expressions by prospective jurors study mannerisms and expressions by prospective jurors as they were questioned by attorneys. A handwriting expert studied their signatures, looking for personality characteristics.

Volunteer investigators, already armed with reports furnished by the prosecution, further explored the lives of the prospective jurors, providing defense lawyers with folders full of information on them.

### **2—The burden of "reasonable doubt."**

The prosecution offered an admittedly circumstantial case: that Miss Davis, while not present at the scene, had helped plot the Aug. 7, 1970, Marin Civic Center kidnaping attempt that resulted in the deaths of a judge and three abductors.

The defense hammered at the lack of direct evidence, reminding the jury that under law the defendant need not testify and that the state had the burden of proving her guilt beyond a reasonable doubt—a formidable obstacle to conviction in almost any criminal case and especially formidable in a case where a conviction would have to be based on inferences drawn from a set of facts.

### **3—Her release on bail.**

Miss Davis had spent 16 months in jail, but was released on \$102,500 bail just before her trial. Thus, to the jurors, she was not presented as a "dangerous" person, already jailed, but rather as a "free" woman whom they would have to send to prison for life had they convicted her.

### **4—Her lawyer's skill.**

The defense team of four attorneys, referring to themselves as co-counsel, was highly effective, as evidenced by the outcome of the trial. Branton and Howard Moore Jr. handled most of the courtroom presentation, Branton concluding the case with an emotional and far-ranging argument some jurors were to describe later as "moving." Doris Brin Walker and Margaret Burnham took charge of much of the defense investigation of witnesses and prospective jurors.

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# TRIAL FACTORS

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5—Miss Davis herself. Acting as co-counsel in her own case, the defendant, who did not testify, nonetheless presented an articulate and well-organized opening statement, declaring her innocence. Her charge that the state's case was based on the "male chauvinism" of the prosecution — which had declared her motive for involvement was her "passionate love" for the convict George Jackson — seemed well-aimed at a jury of seven women and five men.

## Woman Foreman

While declining to say that "women's liberation" was a primary factor in the verdict, the jurors acknowledged it was the basis for their selection of a woman as foreman. The woman they chose, Mrs. Mary M. Timothy of Palo Alto, signed the verdict as "Ms. Timothy, foreperson."

Of significance, unquestionably, was the state Supreme Court's decision Feb. 18 to abolish capital punishment. It was on this basis that Miss Davis was freed on bail, providing the defense a psychological lift and better access to the defendant. Further, it meant that jurors would not need to be "death qualified," giving assurances that they could, under some circumstances, render the death penalty.

A jury that is "death qualified" is generally regarded as less likely to acquit.

## Decline Comment

The jurors contacted Sunday night and Monday by reporters declined to comment on the evidence in the case, citing the forthcoming trial of convict Ruchell Magee, who has been charged with participating in the Marin shootout. (His case was separated from Miss Davis'.) But nearly all agreed that on none of the five ballots was there a single vote for guilty—although some abstained on early ballots.

The discussion was "very civilized," said one juror, and while two jurors asked for and were granted permission to examine some trial exhibits, others moved away and played a game of cards. The jury, he said, had agreed on the key question in the trial—her innocence on the charge of conspiracy—by the second of three days of deliberation.

Ralph E. DeLange told why he had waved the clenched-fist to Miss Davis' supporters. "It was a spontaneous thing . . . to show a unity of opinion for all oppressed people, to show I felt a sympathy for the people in the crowd," he said. "I just wanted to show them that we were not just a 'white, middle-class jury.'"

## Celebration Dance

Mrs. Stephanie Ryon, a 22-year-old collections correspondent for Sears, accepted Branton's invitation to dance at a joyous celebration of some 400 persons at the Safari Room, a suburban nightclub. Mrs. Ryon had taken elaborate notes during the prosecution's presentation. But after Branton's closing argument, when the prosecution presented its rebuttal, she had stopped taking notes. The trial, she told reporters, had made a "big change" in her life.

Asst. State Atty. Gen. Albert W. Harris Jr. acknowledged the prosecution had become concerned when it was noticed that Mrs. Ryon, and others, had not taken notes during Harris' rebuttal.

In his presentation, the prosecutor had set forth one of his primary arguments: that the well-educated, former UCLA

philosophy professor either knew about the plot—or had been tricked and "framed" by Jonathan Jackson, George's brother and her close friend, who had smuggled the guns she had bought into the courtroom of Judge Harold J. Haley. The second

possibility, Harris said, was extremely remote and "beyond belief."

Harris said Miss Davis herself "obviously was a factor" with the jury.

"Jurors," he said, "seem to feel they can't find anyone guilty in a conspiracy unless it's an iron-clad

case. In this case we thought we had the evidence . . . but it's hard to take pictures of a conspiracy.

"We still feel we had the evidence for a conviction," Harris said. "But the jury never seemed to get the point."